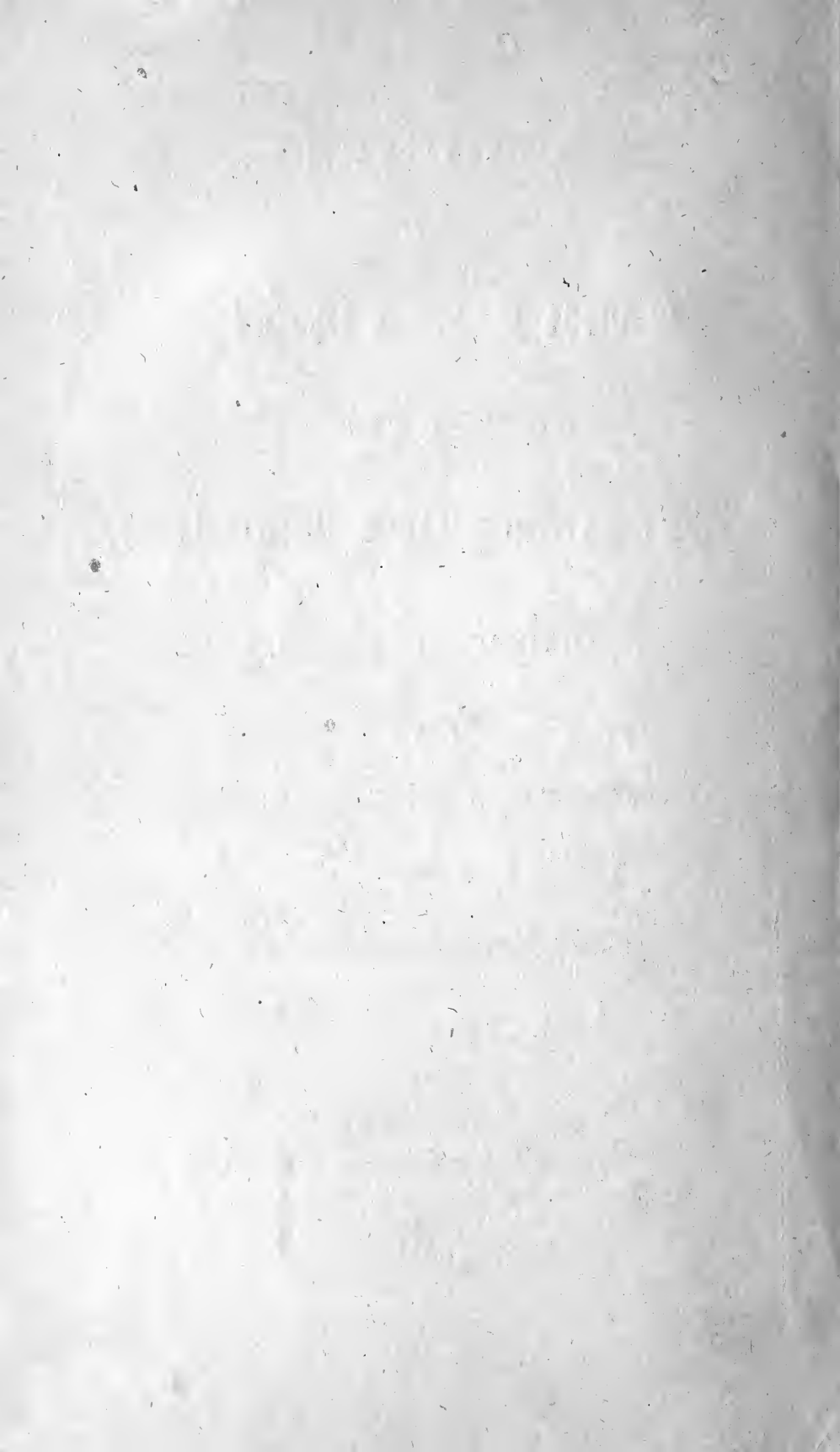


ARGUMENT  
OF  
IVERS J. AUSTIN,  
COUNSEL FOR THE  
*Remonstrants from Watertown,*  
AGAINST THE PETITION  
FOR THE  
INCORPORATION OF THE TOWN OF BELMONT,  
BEFORE THE  
Joint Standing Committee on Towns.

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BOSTON:  
PRINTED BY ALFRED MUDGE AND SON,  
No. 21 SCHOOL STREET.  
1857.



*Geo. F. Frasier*

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F74  
B22A9

E R R A T A .

Page 16, line 6, for *half* read *double*.

“ 21, “ 17, “ *area* read *population*.

“ 34, “ 18, “ *of* read *off*.

“ 10, last line “ 8 read 6.

“ 22, “ 3, “ 16 read 9.

“ 40, “ 24, “ *called* read *attended*.

F74  
B22A9

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## ARGUMENT.

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The Petitioners in this case ask for the creation of another new town which as yet has no solid existence.

They ask that another municipal corporation be established, having but a small area and a small population scattered over 5.75 square miles of surface.

They ask to have this new town created by a mutilation of three other towns two of them already amongst the smallest in regard to surface, to be found in the Commonwealth.

They ask to have this town created after three successive legislatures have refused their petition upon a full and fair hearing of all the reasons they advance in favor of it.

They ask this action of the legislature against the *earnest* and *decided* remonstrance of each of the towns to be affected and against the deep and earnest feeling of a large majority of their legal voters.

Is it expedient to create this new town?

Is it advisable for the *supposed* or even for the *real* benefit of a very small population clustering around a rail road station to introduce another Lilliputian stranger into our already numerous family of municipal corporations?

Is the action asked of the Legislature in accordance with or opposed to those well settled principles of public policy which have guided Massachusetts while a Colony and a Province and an Independent Sovereignty?

The importance of these questions and the general interest felt in the answer which shall be given to them require somewhat more extended examination of this case than has been usually bestowed upon those of similar description.

## I.

The petition for the Incorporation of Belmont has been rejected by three successive Legislatures and each time upon the same facts :

The three-fold rejection of the petition is proved by the following extracts from the Journals of the Senate and House :—

*House Journal*, p. 482, *March 3d*, 1854. Mr. Brown from the Committee on Towns to whom was referred the petition of Charles Stone and others, reported that the petitioners have leave to withdraw their petition, accepted and sent up for concurrence.

*Senate Journal*, p. 332, *March 8th*, 1854. A report from the House that Charles Stone and others have leave to withdraw their petition was read and accepted in concurrence.

*Senate Journal*, p. 758, *May 7th*, 1855. The Bill to incorporate the Town of Belmont was read a second time and refused a third reading.

*House Journal*, p. 640, *April 1st*, 1856. Mr. Orcutt of Chelsea from the Committee on Towns, on the petition of Jacob Hittinger and others reported that the petitioners have leave to withdraw, accepted and sent to the Senate for concurrence.

*Senate Journal Duplicate copy*, p. 489, *April 8th*, 1856. On motion of Mr. Odiorne the report of leave to withdraw on petition of Jacob Hittinger and others was discharged from the orders of the day.

The same gentleman moved to amend the report by substituting therefor "a bill to incorporate the Town of Belmont." Report and bill laid on the table—bill ordered to be printed.

*Senate Journal, Duplicate copy, p. 605, April 30th, 1856.* The bill to incorporate Belmont read a third time and on question of passing the same to be engrossed—yeas 17, nays 13, passed and sent down for concurrence.

*House Journal, p. 1031, May 22d, 1856.* The report of the Committee on Towns, bill to incorporate Belmont, the question being on the rejection of the same—the vote being taken the bill was rejected.

That this petition was thus rejected upon the same facts is sufficiently evident without any specific proof. But the witnesses for petitioners testified to the effect that there was no substantial difference between the case as presented this year and the case as presented in former years.

## II.

If the town of Belmont shall be incorporated a serious and irreparable injury will be done to Watertown.

*First.* By taking more than one third part of its entire surface.

The area of Watertown as at present existing, is, according to

Senate Document of 1854, No. 51,	3,834.75 acres.
----------------------------------	-----------------

Belmont proposes to take	1,446.40
--------------------------	----------

Leaving to Watertown,	<u>2,388.35.</u>
-----------------------	------------------

The injury inflicted by this large diminution of its surface may be exhibited in several aspects.

1st. Watertown has now a smaller surface than any other town in the State except thirteen.

By depriving it of one third part of its present surface it will become smaller than any other town except the following seven viz :

Provincetown, Winthrop, Chelsea, Hull, Marblehead, Somerville, Rockport.

2nd. The shape in which Watertown will be left, should Belmont be incorporated—will be fantastic and ugly.

This is seen by reference to the accompanying map where the shaded part represents the portion of surface intended to be taken, and the part not shaded what will be left as Watertown.

3d. An incidental injury may be noticed here, viz: that to individuals. The southwest line is about 3,000 feet long. It passes through several lots owned by different individuals dividing them so that half of each will be in one Town and half in the other. The line *commences* in the front yard of one person.

4th. Watertown is essentially an agricultural Town, deriving whatever of character and influence it possesses chiefly from its agricultural capacity.

By the statistics of Industry for 1856, it appears that Watertown is the eighth town in the County of Middlesex in the value of its agricultural productions; the amount being \$191,362 25.

But every one of the Towns which produced a greater value, is larger in its surface.

The following table will show the productions and area of each of the seven towns which produced more than Watertown,

		Acres.
Framingham,	\$314,447 30	15,781
Marlboro,	290,869 20	17,469
Lexington,	282,335 90	10,695.18
West Cambridge,	229,136 00	4,144
Newton,	220,547 00	11,052
Waltham,	216,595 00	8,899
Concord,	209,466 00	14,580.75

when therefore the comparative areas are considered it will appear that of the Towns in Middlesex County, West Cambridge is the most fertile and Watertown the second most productive town in the county.

These two towns are in fact the market gardens of Boston.

5th. That part of Watertown which it is proposed to take away from it, for the benefit of Belmont contains all the best land in the Town.

This position is sustained by the testimony of both petitioners and remonstrants.

Mr. Bright said, before the Committee, that the land was made better by cultivation.

Mr. Hittinger said that in the season of them he sometimes carried to market three hundred bushels of tomatoes per day, gathered off of six to nine acres.

The testimony of Mr. Nath. Whiting was as follows. "The agricultural character of the land is very good, better naturally and better by cultivation than in other parts of the Town."

Mr. Seth Bemis testified that "he has been engaged in farming ten or twelve years—lives on his farm—is acquainted with the character of the land in the Belmont district of Watertown. *A large portion of it is the best land in the State.* He has been somewhat familiar with land in other parts of the Town. It is better than *his own farm*, except the marshy land near Fresh Pond."

Besides the *land*—58½ acres of the surface taken are part of *Fresh Pond*—acre for acre probably more valuable than the best land in the County.

6th. While the surface taken is of such high character, that left is much of it not available for agricultural purposes.

This will be apparent from the following statements being the testimony of Mr. Isaac Stone a native of the town.

Charles River,	-	-	-	-	-	75	acres.
Mount Auburn,	-	-	-	-	-	116	"
Arsenal Grounds,	-	-	-	-	-	60	"
" Marsh,	-	-	-	-	-	7	"
Catholic Cemetery,	-	-	-	-	-	7	"
Cambridge, do.,	(set off to Cambridge)					32	"
Graveyards,	-	-	-	-	-	6.	"

---

303 acres.

					Acres.
Area of Watertown,	-	-	-	-	3,834.75
Belmont part,	-	-	-	-	1,446.40
					<hr/>
					2,388.35
Not available,	-	-	-	-	303
					<hr/>

Leaving, - - - - - 2,085.35 acres,

including the village and the roads, rocks, marshes and other bare, barren and unproductive places.

It is evident that a mortal blow will be inflicted upon this agricultural town, by depriving it of so much of its best land.

It has been said that no real injury will be done to this town by depriving it of its outskirts, because it has a village with a population of some 3000 persons.

The argument, if carried out to its legitimate extent, would reduce in the same way more than one-half the towns in the State. Watertown would finally be diminished to the mere area on which the village stands.

*Second.* If Belmont shall be incorporated it will take a large part of the available means of Watertown and yet leave its expenses comparatively undiminished.

1st. By the petitioners statement it will take

of the total valuation. - - - - - \$1,074,500 00

The Town Treasurer, however, Mr. Samuel

Noyes gives the following figures:

Total valuation of Watertown for 1856, - - - 3,634,600 00

Belmont will take - - - - - 1,091,850 00

or *thirty* per cent.

2d. The total tax for 1856, was - - - 23,112 60

The total tax of persons living on the Belmont

district of Watertown, is - - - 6,551 10

or 28.3 per cent.

It is said that this is not a fair representation of the real loss to Watertown, because of the valuation, \$420,000 personal estate is in the hands of one person, and this will at some future time be scattered amongst the heirs, who may carry it out of the town.

Whatever may be supposed to be the future state of things, the *present* loss will be the amount stated. If the separation had been made three years since, when it was first asked, the town of Watertown would have lost \$9,000; the amount of tax assessed to this one person upon his personal and real estate being \$3,000 per annum.

It is the present state of things alone which should be considered, and not what possibly may be their condition at some future time.

In the judgment of the remonstrants, the south line of the new town was made to embrace such a large proportion of the outskirts of Watertown, for the very purpose of including this large taxpayer; because the operation of starting a new town is expensive: without some heavy tax-payers to assist the petitioners, taxes will be so high that persons will not incline to settle in their new town; and although it might possibly be more advantageous to the new town to have this large fortune divided amongst several persons, it is more advantageous to have it in the hands of one man than not to have it at all.

*Third.* The expenses of Watertown will remain undiminished.

1st. ROADS.

	Miles.
Total length of roads which the town now repairs,	26.52
In the Belmont part of Watertown are        -        -	10.12
Leaving        -        -        -        -        -        -        -        -	<hr/> 16.40

One third of all the roads is 8.84 miles, and Belmont will take therefore 1.28 miles more than its proportion of length.

But there will be left to Watertown—

1st. The great travelled thoroughfare from Waltham to Cambridge, passing through the centre of the village to Mount Auburn.

2d. The bridge in the village, recently repaired at an expense of \$2500.

3d. The bridge at Bemis's factory, half of which Watertown is required to maintain.

4th. The roads left are wider than the roads taken.

While there is no bridge in the Belmont part of Watertown, nor ever can be, and the roads taken are not and probably never will be travelled thoroughfares.

#### 2d. THE PAUPERS.

In the Watertown Alms House there are 13 paupers, of ages varying from 86 years to 3 years.\* Of these there is but a single one who will be chargeable to Belmont, a woman of 56 years.

The Alms House is a charge to the town, as no benefit is derived from pauper labor on the roads; nor is the board of any pauper paid to the town.

Except the single pauper named above, there is no proof that the Belmont District contains a single person likely to be a charge to the new town. The inhabitants are all either persons of fortune or far above the fear of poverty.

3d. There will be an undue proportion of foreigners left in the old town.

The population of the whole town was taken by Mr. Joseph Crafts, in the month of February last, and he is very experienced in that business.

By his statements the whole population of Watertown is 3,558.

			Native.	Foreign.
Population of Belmont District,	-	-	349	203
Population of old town,	-	-	1,790	1,216
			<u>2,139</u>	<u>1,419</u>

The whole number of foreigners in the whole town, from this statement, is 1,419 or 39.88 per cent. of the whole population.

---

\* The ages are as follows: 86, 83, 56, 51, 48, 43, 33; and 8 children from 12 to 3 years.



Belmont contains 552 persons (according to Mr. Craft's census) out of the whole population.

Therefore 39.88 per cent. of 552 should be foreigners, that is to say 220 persons out of 552 persons should be foreigners, whereas only 203 are such.

But of these foreigners, 89 are transient persons, leaving only 114 permanent foreigners among its population.

#### 4th. THE EXPENSE OF EDUCATION.

The whole number of *school children* (i. e. between 5 and 15 years of age,) now in the whole town is by Mr.

Craft's very carefully taken census,	-	-	-	-	738
Belmont if separated will take of these school children					
only	-	-	-	-	90
Leaving	-	-	-	-	640

It takes 30 per cent. of valuation, and only 12.19 per cent. of school children.

The entire school establishment was instituted and is carried on in reference to the necessities of the whole town. To take away the 90 children, who have a right to attend the public schools, will obviously not at all diminish the expense of maintaining the schools.

#### 5th. THE TOWN DEBT.

This amounts now to \$30,660, all of which, except \$1,000, was incurred for school houses, and the Town House.

There will be a difficulty attending the adjustment of this debt.

The new town, if erected, will say that it ought not to be compelled to pay any part of it (except for one school house contracted for but not erected), because none of the buildings are on its territory. But the old town will say that the buildings were erected fairly with the consent of the *whole* town, for the use and need of the *whole town*, and upon the credit and basis of a certain amount of taxable property. When petitioners take from the

town, 30 per cent. of that very taxable property, they ought to take at least 30 per cent of the debt.

The injury to be done to Watertown if Belmont shall be incorporated, may be summed up thus :

It will take more than one-third part of the entire surface. The very best land within its limits, although it is an agricultural town, and mutilate it into a fantastic shape.

It will take 30 per cent. of the valuation, and 28.3 per cent of the taxes.

It will leave two bridges and the most expensive roads to repair, all the paupers; 648 out of 738 school children; the greater proportion of foreigners, and a probability of the whole debt.

This would seem to be inflicting a very severe blow upon the prosperity of this old town.

But it is said that Watertown will recover the loss in a short time; 3.2 years were assigned as the extent.

The following calculation will show that Watertown will not recover the loss for more than ten years.

The total valuation of 1855, was	\$3,558,700
“ “ 1840, was	1,462,750
Gain in 15 years,	<u>\$2,095,950</u>

One fifteenth of this gain is \$139,730, being the average annual gain in valuation.

Belmont proposes to take (according to the statement of the petitioners) \$1,074,500. This sum therefore divided by the annual average gain, viz: \$139,730 gives 7.62 years as the time it will take to recover the loss.

But the annual average gain is estimated upon the *whole* capital. The old town will be compelled to recover its loss with one third of that capital taken away. *One third* more time will be required to compensate for one third part *less means*.

$$1,074,500 \div 139,730 = 7.62$$

$$7.62 \times 1.5 = 11.43$$

Instead of only 7.6<sup>4</sup>/<sub>10</sub> years, it will take at least 10.16 years.

This *great* injury is to be inflicted on Watertown for the creation of a community of rich men.

The following figures not only show this to be the character of Belmont, but prove that the new community will be made thus rich at the expense of the inhabitants of the old town.

1st. If the *whole* valuation of Belmont as stated by petitioners' witness, viz : \$1,836,015 be divided amongst the whole population of Belmont, as stated by the same witness, viz: 1,101 persons—each man, woman and child will receive \$1,667 58.

2d. If the whole valuation left to Watertown after the separation shall be effected, viz, \$2,484,200 be divided amongst the whole population then left to Watertown, viz, 3,006, each individual will receive \$826 41, or not quite half as much per head as those in Belmont.

3d. If the whole valuation of Watertown as now existing, stated by the same witness to be \$3,558,700, be divided amongst the whole population of Watertown, as given by Mr. Crafts, or 3,558 persons, each individual will receive \$1,000 19.

4th. If the whole valuation to be taken from Watertown and given to Belmont, as stated by petitioner's witness, viz : \$1,174,500 be divided amongst the whole population to be taken from Watertown, according to Mr. Craft's census, viz : 552, each individual will receive \$1,946 55, being a gain by the separation of \$946 36 to each person.

5th. If from the whole valuation of Belmont, viz : \$1,836,015, the largest amount of personal estate in the hands of any one person, be deducted, viz : \$420,000, there will remain \$1,416,015, which divided amongst the total population of Belmont, or 1,101 persons, will give to each person \$1,284 30.

6th. If from that portion of the valuation of Belmont, derived from Watertown, viz: \$1,074,500, be deducted \$420,000, and the remainder, or \$654,500 be divided amongst the population taken from Watertown, or 552, each individual will have \$1,185 70.

Therefore it appears that every person in Watertown as Watertown is now constituted, would receive upon a division of the valuation \$1,000 19.

The legislature is asked to take away 552 of these persons, and put them into a separate community, where each would receive upon a like division \$1,667 58, and their neighbors in the old town be left with \$826 41 to each person.

The legislature is asked to take out of a town which would divide \$1,000 19 per head, so much of its valuation as divided amongst the persons taken at the same time, would give to each \$1,946 55.

These figures support the position that the new town will be a community of rich men.

It is seen in a clearer light by the following statements:—

At the requisition of the petitioners the remonstrants produced a list of the twenty-five highest tax-payers in Watertown.

It will be found appended hereto with the Treasurer's certificate.

From this list it appears that eight of these tax-payers reside in Belmont, and seventeen in the old town.

The Belmont eight are taxed for	-	-	-	\$743,700 00
The other seventeen are taxed for	-	-	-	913,000 00
The entire tax paid by the eight is	-	-	-	4,462 20
The entire tax paid by the seventeen is	-	-	-	5,578 00

If the whole valuation of the eight persons in Belmont be equally divided amongst them, each will receive \$92,962 50. But if the whole valuation of the 17 persons in the old town be divided equally amongst them, each will receive \$53,705 90. The difference is \$39,256 60.

If the largest amount of personal property owned by any one tax-payer be deducted from the total valuation on each side of the line, then the following results will appear:—

The whole valuation of the eight persons in Belmont is	\$743,700
The largest amount of personal property in any one person's hands, is	- - - - - 420,000
The remainder is	- - - - - \$323,700

Which divided amongst the eight Belmont tax-payers will give \$40,462 50 to each of the eight.

The whole valuation of the seventeen persons in the old town is	- - - - - \$913,000
The largest amount of personal, the income of which is received by one person, is composed of three items,	- - - - - \$25,000
	125,000
	200,000
	<u>\$350,000</u>

The remainder is	- - - - - \$563,000
------------------	---------------------

Which divided amongst the seventeen tax-payers, will give to each \$33,117 64.

After the deductions are made of the personal property which may be carried out of the town at the death of its owners, the eight Belmont tax-payers, will still receive upon a division of the remaining valuation, each the sum of \$7,344 76 more than the seventeen tax-payers of the old town will receive upon a like division of the remaining valuation.

If the real estate only in each portion of the town be considered, the following result will appear:—

The valuation of the real estate of the eight tax-payers in Belmont, is \$253,700, which equally divided amongst the eight persons will give to each, \$31,712 50.

The valuation of the real estate of the seventeen tax-payers in the old town is \$262,000, which equally divided amongst the seventeen persons, will give to each \$15,411 80.

These results may be thus summed up :—

1st. Of the 25 highest tax-payers in the whole town, seventeen tax-payers in the old town pay only \$1,115 80 more tax than half their number in the Belmont district of Watertown.

2d. The eight tax-payers in Belmont have an average valuation of \$39,256 60 more than half their number in the old town.

3d. If there be deducted on both sides of the line of division, the largest valuation of personal property in the hands of any one tax-payer, the eight persons in Belmont will still have an average valuation of \$7,344 76 more than twice their number in the old town.

4th. If only the real estate be considered, each of the eight tax-payers in Belmont will have an average valuation of \$15,411 80 more than twice their number in the old town.

5th. Eight tax-payers in Belmont hold 40.5 per cent. of the whole valuation, in the proposed new town, and 60 per cent. of that part of the valuation taken from Watertown.

To erect this town will therefore be by arithmetical demonstration to erect a little community of rich men, at the expense of their neighbors.

### III.

Such is the great injury which will be done to Watertown by creating Belmont.

The question to be answered by the committee is whether the petitioners have succeeded in proving an **EXIGENCY** for the creation of Belmont, by the division of three other towns.

The burden of proof being on the petitioners, they have attempted to meet it by raking and scraping up every cause of complaint, plausible or imaginary, which has occurred in Watertown for the last twelve years.

But the question is not merely whether causes of complaint exist, but also, whether, supposing it to be proved that such causes do exist, they amount to *such an exigency* as will justify the committee in reporting a bill to create Belmont.

This exigency must be proved to exist as to each town, and not merely as to one or even two of the towns to be affected.

If the necessities of these petitioners who belong to West Cambridge—if the “*grievances*” suffered by them are sufficient to justify a division of West Cambridge, but yet a town cannot properly be made out of West Cambridge territory alone, a bill ought not to be reported to divide Watertown unless an exigency be equally proved to exist for the division of Watertown.

Watertown ought not to be mutilated for the benefit of West Cambridge malcontents.

West Cambridge ought not to be mutilated for the benefit of Watertown speculators.

Even .67 of a square mile ought not to be taken from the territory of Waltham, *especially in the face of its remonstrance*, merely to make the town of Belmont as symmetrical as its name is musical, unless an exigency be proved to exist for this division of Waltham.

The committee in order to determine what amounts to an exigency, will resort to the past legislation of the State, as to which the following propositions are submitted.

The exigency which in former years has been deemed sufficient to justify the incorporation of a new town, created by the division of one or more old towns, is either

1st. Where there was a distinct isolation of the community seeking to be incorporated ; or

2d. Where it existed as a town *de facto*, possessing every element of a separate town except legal existence.

The question as to the policy of incorporating Belmont, so far as its area is concerned, is whether a very small town shall be made,

having a surface of only 3,680 acres, principally out of two other very small old towns, each but a very little larger than the town it is proposed to create.

With respect to *population*, the question is whether a new town with so small a population as that of Belmont shall be made, having according to the census of the petitioners only 1101 persons, but according to the more recent census of Mr. Crafts, having only 939 persons.\*

1st. The policy of the State in the creation of towns of small area.

Of 331 towns in Massachusetts, the following are the only ones, the area of which is *now* smaller than Watertown is with its present surface or than Belmont seeks to be.

			Acres.			Incorporated.
Provincetown,	-	-	330.75	-	-	1727
Winthrop,	-	-	————	-	-	1852
Nahant,	-	-	————	-	-	1852
Hull,	-	-	1246.	-	-	1644
Chelsea,	-	-	1161.50	-	-	1738
Rockport,	-	-	1835.50	-	-	1840
Marblehead,	-	-	2049.50	-	-	1649
Somerville,	-	-	2233.375	-	-	1842
Brighton,	-	-	2775.00	-	-	1809
Melrose,	-	-	2815.7-12	-	-	1850
Stoneham,	-	-	2888.1-3	-	-	1725
Winchester,	-	-	3555.75	-	-	1850
Clinton,	-	-	3727.	-	-	1850

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\* The petitioners say they take from Watertown, 625 persons.

Mr. Crafts finds only . . . . 552

Difference, . . . . 73

To this should be added . . . . 89 transient foreigners.

Making . . . . 162 the number to be

deducted from 1101 stated to be the total population of Belmont. This deduction being made, the total population will be 939 persons.



Of these thirteen towns only eight were incorporated *since* 1800. Of these eight, seven were incorporated within twenty-five years past, or since Railroads have exerted an influence upon the location of population.

It is evident, therefore, that the Legislature has not in times past incorporated many towns of small area. Even some of those above named, were once larger than they are now.

The incorporation of five of these towns, viz : Provincetown, Winthrop, Nahant, Marblehead, and Hull, is clearly accounted for by their situation. Each is at the extremity of a peninsula. The same reason which in the 17th century rendered it wise to create Hull and Marblehead, and in the 18th century to create Provincetown, rendered it equally wise in the 19th century to create Nahant and Winthrop.

These facts develope one rule of policy, viz : a town is always created when there exists a well *defined isolation* ; not a *fanciful* isolation like that claimed for Belmont, but one determined by distinct boundaries.

The same cause created Stoneham and Brighton. The former was settled in a comparative wilderness, and the latter at a considerable distance from Cambridge of which it formed a part.

Whether or not any such isolation exists in regard to Belmont, will readily be determined in the negative by looking at the map of that town, or even at that part of it which now forms a portion of Watertown.

The only pretence of such an isolation is to be found in Meeting House Hill, the height of which does not prevent *five* children from going over it every day to attend the High School in the village. There is no other isolating boundary to be found on the lines of the new town. The hill hardly amounts to an inconvenience ; it certainly is not such an obstacle to travel upon the very excellent road that runs over it, as to require a division of the town. It is the most commanding and beautiful site for private dwelling houses in the vicinity of Boston.

Of the remaining five towns incorporated since 1800, every one was incorporated since 1839; that is to say, since railroads influenced the location of population.

The policy which dictated the creation of these five towns is that to which the Committee should look in determining this question.

*Each one of these five towns was already existing as a town of size and importance when it was incorporated.*

ROCKPORT—Incorporated in 1840; had a bank, 4 churches, a factory, making annually 1,300,000 yards of cotton duck; a cordage factory, several stores, and a population of 2,650.

SOMERVILLE—Incorporated in 1842; had extensive bleaching and dye works, and in 1850 a population of 3,540.

MELROSE—Incorporated in 1850; had a population of 1260, and in 1855, a village of 650 inhabitants and 4 churches.

WINCHESTER—Incorporated in 1850; had a population of 1353.

CLINTON—Incorporated in 1852; was already a large manufacturing town, having a large water power on the Nashua river, and the Lancaster Mills, making 500,000 pieces of gingham annually.

THERE IS NOTHING OF THIS KIND IN THE WHOLE OF BELMONT.

There is no business center nor anything approximating to such, in the whole proposed town.

There is a cluster of houses about a railroad station, BY FAR THE GREATER PART OF WHICH ARE ON THE WEST CAMBRIDGE SIDE OF THE LINE. Not more than eight are on the Watertown side. A glance at the map will show this. A view of the town will show it as well.

There is one little store, such as is usually found in a railroad station; one unfinished little church; two post-offices, one at *Mount Auburn Station*, for Cambridge people, and the other at Wellington Hill.

There are *no shops where mechanics work*, no house of public entertainment, out of the 170 legal voters, only *fifteen* are

*mechanics* ; upon the entire area there are not more than three or four mechanic's shops, and these have been there many years.

There is nothing which makes a town except people and houses, and these for the most part are scattered over four square miles of territory.

What sort of a town is this to set up for itself?

Town lines cannot alter business relations ; Watertown millers must still grind West Cambridge corn. They have no water power in Belmont, nor ever can have.

Waverly people and Belmont people must still purchase their supplies in Watertown, West Cambridge, or Boston, till Belmont gets a village.

The mere act of incorporation cannot create these things.

A town on paper, with well defined lines and a symmetrical outline, cannot create them.

2d. The policy of the State, in the incorporation of towns of small area.

Of 331 towns and cities in Massachusetts—

78	were	incorporated	before	-	-	-	1700
193	"	"	"	-	-	-	1800
60	"	"	since	-	-	-	1800
<hr/>							
331							

Sixty towns only, of all sizes, have been incorporated during this century, and of these sixty towns, twenty-eight were incorporated since 1830.

There are eighty-three towns in Massachusetts with a population smaller than that of Belmont, supposing it to contain 1101 persons, which it does not.

Of these 83 towns—

7	were	incorporated	before	-	-	-	1700
60	"	"	"	-	-	-	1800
16	"	"	since	-	-	-	1800
<hr/>							
83							

Of those incorporated during this century—

7	were incorporated	<i>since</i>	-	-	-	1830
16	"	"	before	-	-	1830

It therefore appears that of the sixty towns of all sizes incorporated during the present century, only *sixteen* have a population as small as that alleged to be in Belmont; and of these sixteen only *seven* were incorporated since the year 1830.

It is obvious that no rule of policy applicable to present legislation, can be derived from the action of the Legislature in the 17th or 18th centuries, because the circumstances and relative situation of the people were so different from those of this day. One rule would exist while the State was in the process of formation—another after it had become more thickly settled.

No rule for the incorporation of small towns can be derived from any legislation except that of the present century.

The question is not merely as to the policy of dividing a town with a population as large as that of Watertown; but also as to the expediency of incorporating a town with a population so small as that of Belmont—really possessing not more than 939 persons, and having claimed for it only 1101 persons.

Even should it be admitted (which is obviously false) that no harm will be done to Watertown by taking away  $15\frac{1}{2}$  per cent. of its population, it by no means follows that it is good policy, or in accordance with the past policy of the State, to incorporate so small a town as Belmont.

It is well known that since railroads have been introduced into the State, they have very distinctly influenced the location of population.

Settlements have grown up in the vicinity of railroad stations, and sometimes villages have been formed out of these settlements as the nucleus.

*All there is of a settlement in Belmont has grown up in this way.*

Therefore, the question would seem properly to be, what policy has influenced the legislation of Massachusetts in the incorporation of towns of small population, since the introduction of railroads.

The *same policy ought to influence* the committee in their decision upon this application.

Railroads have been "*institutions*" in the State not more than fifteen or twenty years. To avoid cavil, the small towns incorporated in Massachusetts, during this century, are divided into those created within *twenty-seven* years past, and those created prior to that time.

What policy, then, guided the Legislature in the creation of the seven towns of a population smaller than Belmont, incorporated within the last twenty-seven years?

They are the following :

	Pop.	County.	Incor.
Erving,	471	Franklin,	1838
North Chelsea,	793	Suffolk,	1846
Monterey,	823	Berkshire,	1847
Marion,	969	Plymouth,	1852
Winthrop,	366	Suffolk,	1852
Nahant,	270	Essex,	1853
North Reading,	1050	Middlesex,	1853

As a preliminary remark, it should be noticed that the incorporation of this town, where the almost avowed object is speculation, calls for the exercise of peculiar watchfulness on the part of the committee, because around many Railroad Stations, houses have been built in which persons reside who have little connection with the country beyond their residence in it. They transact their business in the city, where they spend much the greater part of the day. Not only their business relations, but their social relations are in Boston. And it is a subject for grave consideration, whether settlements thus constituted ought to be incorporated into towns, principally because they who own most of the adjacent land could sell it to more advantage under such circumstances.

Of the seven towns named above, three, viz: Nahant, North Chelsea and Winthrop, were incorporated from causes peculiar to themselves, and which do not exist in regard to Belmont.

Each one of the other four towns was an actually existing town when incorporated. Each had a distinct village, which no search was required to discover. As in the case of Newton, which is one town, with five villages. Each was a town *de facto*, imperatively requiring to be made a town *de jure*.

Erving had a saw-mill, a woollen factory, a tannery and water power on Miller's river.

Monterey had a cotton and woollen factory.

Marion was a whaling village.

North Reading had five churches.

The same policy was regarded in the incorporation of other towns of larger population than Belmont, such as Georgetown, Groveland, Rockport, Agawam, Ashland, Melrose, Westford, South Scituate and Clinton. Each one of these was incorporated within twenty-seven years past, had a population somewhat larger than the alleged population of Belmont, and was a town *de facto* at the time of its incorporation.

Further proof of this policy may be found in reports made to the Legislature by former Committees, references to some of which are here given.

*West Newton, House Document, 1844, No. 22.*

*Unionville, subsequently Ashland, House Document, 1846, No. 45.*

*North Chelsea, House Document, 1846, No. 35.* In this report the Committee say, "The Committee are opposed to the division of small towns, without urgent cause."

*West Roxbury, Senate Document, 1851, No. 82.* The Committee say, "Your Committee always feel reluctant to disturb old and well established town lines, without good and sufficient reasons."

*North Andover, Senate Document, 1855, No. 74.* The Committee say, "The Legislature should be cautious and slow in increasing the number of towns in the Commonwealth, unless an exigency actually exists."

*Chapin, Senate Document, 1855, No. 101.*

*Danvers, Senate Document, 1855, No. 129.* The Committee say, "The policy of the Legislature is to divide large towns, in order better to secure the objects of town government."

*Cushman, Senate Document, 1856, No. 103.*

From this review of the policy of the Commonwealth it appears:—

That former Legislatures have respected town lines, as an institution not to be lightly or rashly disturbed. Their action has always been based upon an enlightened conservatism, yet town lines have been changed when good cause for the change was proved to exist.

The causes deemed sufficient, have been a peculiarity of local situation, amounting to a practical isolation, or else the town seeking to be incorporated was an actually existing town at the time of its incorporation.

The policy is the same in all parts of the State. There is no special cause inducing one course in reference to *suburban* towns and another as to those more inland. When an *exigency* exists, and is *proved*, not merely *asserted* to exist; when it is a *real* and not merely a *fancied* exigency; when a town is actually formed and not merely when it is likely to be formed at some future, but indefinitely remote period, the petition is granted, and the new town created, whether suburban or inland.

The Legislature never yet have granted, and it is to be hoped that many years will pass before they will think of granting an act to incorporate a new town merely for the purpose of inducing

*persons to leave the city for the country*, or to leave an old town for a new one, or to INCREASE THE VALUE OF LAND OWNED by the petitioners, or for any other merely speculative purpose.

Before considering the case which the petitioners have sought to make upon the evidence produced, there are three preliminary points deserving consideration.

1st. If this Committee deem itself bound to be guided in any degree by the past legislation of Massachusetts, the three-fold rejection which this petition has received, is an important element for their consideration.

Because such repeated rejections are so many legislative declarations, that to grant the prayer of the petition would not accord with the established policy of the State.

This speculation was not such an one as the Legislature was willing to aid.

This was not so strong a case as to render it expedient to disturb old and well established town lines.

If the petition succeed, the opposition of the remonstrants must cease of necessity.

If the petition fail, the petitioners may renew it whenever their case becomes stronger.

2d. Although it has been represented that a very general, a very earnest, and a unanimous desire exists amongst the people of the proposed new town for a separate incorporation, yet the proof in the case does not support the assertion.

If any bad feeling exists in reference to the subject, it is all on one side. The inhabitants of the old town entertain none but the kindest feelings towards those who seek to separate from them.

An important part of the petitioner's case, is the general desire of the people for a division. The petitioners allege the existence of this desire, and are bound to prove it.



They have attempted to do this by loose and vague testimony, which at best is but the expression on the part of three or four witnesses — themselves petitioners — of their opinion as to the existence of this desire.

If an inhabitant in the district of Watertown proposed to be separated, is indifferent as to whether or not the separation is effected, it is just as good for the remonstants as open opposition.

He who is indifferent does not desire to be separated, because if he desired to be separated he would not be indifferent.

In 1854, there were 1005 inhabitants in the proposed new town, and 126 petitioners, or  $12\frac{1}{2}$  per cent. of the population.

In 1857, there are said to be 1101 inhabitants and 130 petitioners, or 11.8 per cent. of the population.

Therefore in three years, they have rather fallen off than gained in the number of petitioners.

They say they have 170 legal voters, which would make one voter represent 6.4 persons, a rather unusual rate, especially in small towns, where one voter generally represents 4 persons.

Out of the whole number of voters, *forty* or  $23\frac{1}{2}$  per cent. do not petition.

This deficiency does not indicate a very remarkable unanimity. It is not such a fact as would tend to prove a unanimous desire for the division.

It may be safely inferred that these forty voters are at least indifferent, and the petitioners therefore fail in their proof so far as these forty are concerned.

Amongst these forty voters will be found the *largest tax-payer* in the town, from whose magnificent country-seat the new town derives its name.

This gentleman declined to take any active part in this controversy, but for three successive years he has expressed in writing his desire to remain where he is, and the Committee have the written testimony in their hands.

Certainly the judgment of this gentleman as to the expediency

of the proposed change, ought to weigh *at least* as much as that of his hired Irishmen, two of whom are signers on the petition.

A widow lady who pays a tax of \$201, has expressed in writing the same desire. The Committee have also in their possession written evidence of this fact. Though not a voter, certainly her desire should have some weight.

Were it deemed as proper to give names in print as freely as they were mentioned before the Committee, the forty persons not petitioners would be found to be some of the worthiest, most respectable and soundest men in the town; some residing in Waverly village, and others in different parts of the Belmont district.

The Waverly Company itself does not petition, and yet it pays a tax of \$192. The indifference of this Company presses heavily on the projectors of this scheme—for the Company was created for the purpose of building a village. It hopes *to make money by selling its land*. If separation were advantageous it would not be indifferent.

But it is obvious that to many of the petitioners the separation can be of no practical advantage.

What possible advantage can it be to any person who lives on Belmont street? Every such person will be just as far from the new centre at Wellington Hill as he is now from the Town House in the village of Watertown. A mere glance at the map will show this to be true.

Why then did these persons sign the petition?

There is an old story of a man who obtained a large number of signers to a petition to have the chief justice hanged.

As in that case so in this.

Some persons signed because others did so.

Some signed merely to oblige their neighbors.

Some signed because they are indifferent. They would have signed a remonstrance just as readily had it been first presented.

Some sign because they do not believe the prayer of the petition will be granted.

Some sign under a misapprehension of the effect to be produced.

Dr. Howes testified before the Committee that in his opinion the half of his lot of land which the new line puts into Belmont, would be taxed as much as the whole lot is now taxed in Watertown—because the expense of starting a new town required high taxation.

Some of the petitioners might have declined to sign, had they viewed the matter in this aspect of it.

The omission of forty voters out of 170 is therefore a serious falling off from this alleged general desire for separation.

3d. With the petition may be considered the remonstrances against it.

There is a municipal remonstrance, made at a town meeting specially convened for the purpose and which was adopted without a dissentient vote.

There is an individual remonstrance signed by 340 legal voters representing according to the ratio in Watertown, 2040 out of 3006 inhabitants left in the old town.

The facility with which witnesses were obtained—the willingness with which day after day and night after night they left their immediate affairs to testify before the Committee, shows the energy and heartiness and sincerity of the opposition.

Had half the exertion made to obtain petitioners, been employed to obtain remonstrants, probably the name of every legal voter who could write would have been found on the remonstrance.

#### IV.

The petitioners have altogether failed to show any *exigency* requiring the incorporation of Belmont.

The alleged "*grievances*" the combination of which is supposed to amount to such an exigency are four in number, viz :

1st. A sort of ostracism by which the inhabitants of the District are excluded from the town offices.

2d. The want of good roads, and the inability to obtain them without the concurrent action of three towns.

3d. A want of sufficient school accommodations, and an unwillingness on the part of the town to provide them.

4th. An alleged depreciation in the value of real estate as a consequence of the three preceding "*grievances*."

1st. With respect to the first of these alleged grievances, the testimony of Mr. Ingraham, the Town Clerk, who produced the town records, shows that it is a mere fancy.

The town has always chosen, annually, three Selectmen, three Assessors, and three Overseers of the Poor, who are also Highway Surveyors.

The town records show that the inhabitants of the Belmont district of Watertown have had of these officers as follows :

In 12 years	12 Selectmen out of	36
10 "	8 Assessors out of	30
12 "	12 Overseers of the Poor out of	36

Its population of 552 would entitle it to only 15.5 per cent. of these officers. Yet it has had  $33\frac{1}{3}$  per cent. of Selectmen and Overseers of the Poor, and 26.6 per cent. of Assessors.

If during these twelve years it never asked for more roads, or more school accommodations, the town had every reason to believe that nothing more was needed there.

2d. The grievances as to roads.

The testimony upon this point was very general and very vague—much of it drawn out by leading questions of the most pointed character. Much of it was given under evident bias of which two instances may suffice as a specimen, viz : One gentle-

man while testifying, said that "Watertown ought to be sunk,"—and another lost no opportunity of assigning a bad motive to every measure adopted by the town in favor of his section of it.

The roads were admitted by all the witnesses for the petitioners to be in good order.

Only the following causes for specific complaint were named, viz:

*a.* A culvert on Common Street was broken in 17th Feb., 1855, and not mended till June.

The desire was to show a wilful neglect—but the surveyor of highways proved that the culvert was broken in by a great freshet—mended temporarily within a week so that teams could pass safely over it; and in June, when it was proper to do so, mended thoroughly with new foundations. It never broke before and has never broken since.

*b.* One witness said that Common Street was not dug out this winter for a fortnight after the snow.

But the surveyor of highways testified that it was cleared out by himself three or four times a week, from the day the snow fell.

*c.* Mr. Hittinger had to pay \$200 for widening a part of School street, which the town should have done for him. But this was more than three years since, and the surveyor of highways for that year testified that Mr. Hittinger *would not wait for the town to do it*. Besides he has never requested the town to re-imburse him.

*d.* The town being required to straighten Common Street, refused to do it. The County Commissioners compelled them to do it. *This* was no less than *eleven years ago*.

*e.* One witness desired a road from Grove street to Cushing street. The Selectmen recommended \$300 to be granted towards building it, not deeming the road of sufficient public necessity to justify a larger public expenditure; yet the town would not grant even that sum.

But then, the rejection of the recommendation was made on motion of a Belmont man, in the absence of the person desiring the road, *and the town at its recent meeting, March 9, upon a proper representation of the case, granted \$500 to build it.*

These are the only specific causes of complaint which the petitioners, with all their exertions, were able to bring against the town, in the matter of roads. It would be inexcusable to notice them in this manner, were it not that they demonstrate the difficulty which the petitioners experience in their endeavors to show an exigency for the division. The "vigor of the bow" does by no means correspond with the "venom of the shaft."

The principal "*grievance*," however, in this respect is, that roads are needed, to build or mend which, requires the concurrent action of the three towns, out of which Belmont is to be created.

The only road specified, requiring the action of more than one town, is the "Concord turnpike," all of which is in West Cambridge, except 1500 feet, which are in Watertown.

Not a single witness named any road which was required by the new town.

One witness thought that it would be a public benefit to have School street continued to the Concord turnpike, but the whole of it would lie in Watertown if made, and no person ever applied to the town to have it built.

3d. A want of sufficient school accommodations and an unwillingness on the part of the town to provide them.

This alleged "*grievance*" has been insisted upon to the Committee, with a pertinacity remarkably disproportioned to the proof.

Great stress was laid upon it in the Senate of 1856, and the entire misapprehension of the true state of the case on the part of the Senate was probably one reason why the bill to incorporate Belmont, succeeded in that branch of the legislature.

The attempt has this year been not only to impress the Committee that more schools are needed, but that Watertown is indisposed to furnish them.

The position taken by the remonstrants, and which the history of the action of the town for the past four years will prove to be true, is this:—

*Watertown has done all that has been asked of it; and it is now as ready and willing, as it is able, to do all that can reasonably be required of it in regard to public schools, for every part of its population.*

The subject is so important in itself, and a right comprehension of it will so demonstrate the entire absence of an exigency requiring a division, that the history of the schools will be somewhat minute.

There are at present in Watertown five school houses—four finished and one nearly completed.

In addition to these, one has been contracted for, the money (\$3,500) granted, and the land purchased and paid for.

By recurring to the map the location will be readily seen.

The mark A is on the site of that last above named, which is called the Beach Street School House.

C is the old school house for the west school division of the town. It is soon to be displaced by that marked B, which is called the Howard Street School House.

D is the School House for the village or centre school division.

E is the High School House.

F is the East School House.

#### THE HIGH SCHOOL HOUSE.

Rev. Sts. c. 23, § 5, provide that a town containing 500 families shall keep a school for all the inhabitants.

The town clerk testified that in 1853 when the high school was established, there were 593 families in the town.

Therefore the high school was built because it was required by law, and not to gratify a desire to expend money unnecessarily because people living in the outskirts had to pay.

No objection has been made to the cost of it.

As a high school is intended for *all* the inhabitants, its location should be in the centre of population, which Mr. Crafts thinks is at the point marked on the map G. To accommodate that part of the population residing in Belmont it was placed a quarter of a mile to the eastward of that centre.

Every desire specially to accommodate the inhabitants of that part of the town was manifested in the location of this school house.

The convenience of the inhabitants of the village was disregarded in favor of those living in the Belmont district.

The plausible objection is, that the petitioners are taxed for a school which circumstances prevent them from using.

They say that they are so far off that they cannot avail themselves of its advantages.

Meeting House Hill, for this purpose is magnified into a *mountain range*. It is said to form an impassable barrier, cutting them off from the high school.

The answer to this objection is, that although it would be easier to reach the school house if the hill were not there—yet the *school house is used notwithstanding the hill*.

It was in testimony that out of the 90 school children in the Belmont district, *six* attend the high school. *Five* out of the six reside on Common street which passes over the hill, and two of the six are children of petitioners.

Divide the town as petitioners desire, and these six children will be deprived of the great advantage which they now enjoy, of attending a high school of excellent character. Four out of the six are children of parents who *do not petition*, and of whom it can therefore be said that they do not desire the division.

But the following statements from authentic sources, show that distance is no obstacle to the use of this school.

In April, 1854, the admissions into the high school, were as follows :—



The "Middle District" is the village and it had 321 scholars. Of these, 14 or 4.36 per cent. were admitted into the High School.

The "West District" is all the west part of the town. It had 106 scholars. Of these, 8 or 7.54 per cent. were admitted into the High School.

The "East District" includes the Belmont part of the town, and the portion near Mount Auburn. It had 117 scholars. Of these, 11 or 9.4 per cent. were admitted into the High School.

From the School Committee's Report of 1855-6, it appears that :—

The Middle District Grammar schools had 126 scholars, of whom 15 or 11.9 per cent. were promoted into the High School.

The West District Grammar School had 50 scholars, of whom 7 or 14 per cent. were promoted into the High School.

The East District Grammar School had 60 scholars, of whom 12 or 20 per cent. were promoted into the High School.

In 1855, the average attendance in this school was as follows :

Middle District, 31, or 9.65 per cent. on 321 scholars.

West District, 12, or 11.32 " " 106 "

East District, 21, or 17.94 " " 117 "

In 1856, the average attendance was as follows :

Middle District, 22, or 4.53 per cent. on 220 scholars.

West District, 9, or 7.20 " " 125 "

East District, 17, or 10.82 " " 157 "

These statements show that a greater proportion of scholars are admitted, and there is a greater attendance in the school from the very section of the town in which Belmont is placed, than from either of the other sections.

The reason may be (it is offered only as a suggestion) that when the weather is bad children near the school stay at home. It is too near to ride and too far to walk. They who reside at a distance usually ride every day.

The argument for a division of this town, so far as it is based upon the inconvenient distance of the High School, proves altogether too much.

For create Belmont, and those persons now residing on Belmont Street will be as far from the new centre, at Wellington Hill, as they now are from the High School.

Thus there must be another division or else no High School.

But the children of this District will gain nothing in this respect if the division be made.

For the 90 school children now there will leave a town which has a High School for one that has none, and which will not be obliged to maintain one.

In 1854, the population was said to be 1005. In 1857 it is said to be 1101. A gain in three years of 96, or not quite ten per cent. in three years. At this rate it will take them *thirty years* to grow to the capacity of a High school.

It is very improbable that with all their new buildings to erect, and the other causes of expense incident to a new town, they will be induced to establish a High School before they are obliged to do so.

#### TEMPORARY SCHOOL AT WAVERLY.

The facts attending the establishment of this temporary school are as follows:—

1. The first information given to the town that a school was needed in Waverly, is contained in the printed report of the School Committee of 1854–5, presented to the town at its annual meeting, in March, 1855, in which the Committee say:—

“There are at Waverly village, 13 children between five and fifteen, which number will without doubt be increased, when some six or eight houses now being built, shall be occupied. Your Committee are not prepared to make a definite recommendation, before it is apparent where increased room will be most needed; but additional accommodation should be made, when some practicable plan can be hit upon to meet the exigency.”—p. 8.

2. The next action in reference to this school is a petition from Messrs. Collins & Fillebrown, residents in Waverly, dated Nov. 1, 1855, and addressed to the School Committee, asking to have a school there, and the reply of Mr. Crafts, secretary of the School Committee, dated Nov. 6, 1855, communicating the denial of this request, for four specified reasons, viz :—

The want of funds.

The location of the school was at the extreme border of the town, and once established there it could not be removed.

There did not appear to be an extreme necessity for the school.

The whole matter could be better arranged by the town at its annual meeting in the following March.

3. The next proceeding was the establishment of a school at Waverly, commencing Jan. 14th, 1856, to continue to the end of the current school year, viz : March 1st, 1856.

The reasons for this change of determination on the part of the School Committee, are set forth in their printed report, as follows :—

“The Committee are happy to state that their decisions have in most cases been harmonious, the question of establishing a school at Waverly having occasioned more contact of sentiment than any other, and upon this there is still a difference of opinion.”

“They would much rather have postponed all action on the subject, until the March meeting, *but circumstances pressed*, a majority of their number yielded, and established the school, Jan. 12, 1856, to continue to the end of the current school year.”

“The room for the school, and settees, are furnished free, while the expense of fitting up, fuel and teacher, is incurred by the town. The whole expense will be about *ninety dollars*. Whether this shall become a permanent establishment, is a question for the consideration of the town, and the action of future Committees.

“The school is under the management of Miss Rebecca Dowse, a teacher of whose abilities the town has had the benefit in times past, and who the Committee doubt not will be able to render a good account of her stewardship. There are twenty scholars in attendance.”

4. The next fact connected with this school is that it was established in the fall of 1856, and now exists. There are seventeen scholars, and the teacher has the usual salary of \$225 per annum.

5. Concerning this school, Mr. Hamlin, a resident of Waverly, formerly a petitioner for division, who has one child, a boy of thirteen years old, attending it, testified that the school of 1856, "*was very good indeed.*" Of the present school he said that "*it was pretty good,*" the cause of such qualified commendation probably being the fact that his daughter is the teacher. He testified also that the people in Waverly "*were and are satisfied with the school.*"

This completes the history of the Waverly school. It is relied upon with great confidence, as proving that the town has shown an earnest and sincere desire to deal liberally and fairly with the inhabitants of that section of it.

When the persons who are immediately interested in the school, are themselves satisfied with what was done, it is not for other persons to impeach the motives and decry the action of the town or the Committee.

Yet this has been done. Mr. Meade, one of the most active petitioners, asserted that this school was established just before the petition for division was presented to the Legislature of 1856, and discontinued just after the petition failed.

The intention of this testimony was to impress the Committee with the belief that the school was established on account of the petition for division, with the purpose of influencing the Committee and the Legislature of 1856, in their decision on the application. That nothing but the pressure of the petition for division, and the danger of its success, has produced at Waverly any school accommodations at all.

This charge was industriously and to some extent successfully made during the session of 1856. An attempt of the same nature will in all probability be made this year.

The charge is not based on direct evidence; it is merely an inference from certain facts, and appears to be argued out thus:—

The petitioners say to the town: "You were asked through your School Committee to establish a school for thirteen children

at Waverly, in November, 1855, and you refused to do so for four assigned reasons, each of which your subsequent action has proved to be false.

“Your first reason was the want of funds; but if you had no funds in November, you had no more, but rather less in January.

“Your second reason was the location of the desired school; but then it was in the same place in January as it would have been, had it been established in November.

“Your third reason was, that extreme necessity for the school did not appear; but then there was no more necessity in January than there was in November.

“Your fourth reason was that the matter could be better arranged at the town meeting in March; but if this was a good reason in November, it was a still better one in January.”

Having thus disposed of the assigned reasons, the petitioners seek for what they suppose to be the true ones.

They find in the report of the School Committee that the school was established because “*circumstances pressed.*” Thence they argue that the circumstances which pressed were the petition for division; the consciousness that the town had failed in this school matter generally; the danger of the petitioners’ success if the Legislature or the Committee could not be induced to believe that the town had not been remiss.

The answers to this theory are very cogent.

1st. The reasons given by the Committee for not establishing a school at Waverly, as asked for by Messrs. Collins and Fillebrown, in November, 1855, apply only to a *permanent* school, which these gentleman requested. They do not apply to the *temporary* school, requested in December, and established in January, 1856.

2d. The extreme necessity which did not appear in November, was made manifest in January, by the unusual severity of the winter.

3d. Even to establish this *temporary* school, the Committee were compelled to draw the small sum required to maintain it, out of the general contingent fund. It is more than doubtful if they had any right to do this. It is certainly true that they had no funds with which to establish a *permanent* school, the whole town and State grant having been appropriated for the other schools, before any request was made for that at Waverly.

4th. More persons requested the school in January than in November. They urged their claims with greater earnestness. There were twenty-four children, instead of only thirteen. The Committee, like sensible men, yielded to the change of circumstances, instead of obstinately adhering to their first opinion.

Mr. Craft's testified that, "The question of the division of the town was never before the School Committee of 1855-6, in connection with establishing or rejecting a school at Waverly."

Mr. Hamblin testified as follows:—

"A year ago there was a difficulty about schools. There was no school till January, 1856. *There had been an effort made but not in the right direction.* So far as I know the question of establishing a school had never been brought before the town. The requisition had been made to the School Committee. I HAVE FOUND A WILLINGNESS IN THE TOWN TO ACCOMMODATE THE DISTRICT.

"The first petition was signed only by us on Waverly land, and we represented only a small number of scholars. A committee from Waverly, and two in the neighborhood then petitioned.

"The first meeting was called by me *under a misapprehension.* We had been informed that none could be accommodated but Waverly people. Having these additional names made a difference.

"The making of a school at Waverly did not depend upon the personal application of certain individuals. It is not true that some could and others could not obtain a school."

To this charge of a desire to influence the Legislature, it may again be answered, that the absurdity of it is its clearest refutation.

But the following comparison of dates will not only altogether dispose of the charge—but also show the extremity to which the petitioners are driven to secure the success of their application.

The assertion made is that the school at Waverly was established just before the petition for division was presented to the Legislature of 1856, and discontinued just after the petitioners failed.

January 14, 1856. School established at Waverly, to continue to the end of the current school year. *S. C. R.* p. 13.

January 19, 1856. Order of notice on the petition of Jacob Hittinger and others. *Senate Journal of 1856*, p. 87.

March 21, 1856. School at Waverly discontinued. *Mr. Craft's testimony*.

April 1, 1856. Leave to withdraw reported on the petition. *House Journal*, p. 640.

April 8, 1856. Motion that bill to incorporate Belmont be substituted for Report. *Senate Journal*, (*dup. copy*) p. 489.

April 30, 1856. Bill passed by Senate. *Senate Jour.* p. 605.

May 22, 1856. Same bill rejected by the House. *House Journal*, p. 1031.

Thus it appears that this school, alleged to have been established merely for the purpose of influencing the Legislature in their action on the petition for division, *was actually discontinued pending the hearing before the Committee on Towns ! !*

HOWARD STREET SCHOOL HOUSE, marked B on the map.

This school house is designed as a substitute for that marked C, on the map, which will be discontinued.

The facts concerning the erection of this school house, are as follows:

An article was inserted in the warrant, calling the annual Town Meeting of March 10th, 1856, " to see what action the

town would take in relation to the building of a new school house in the West District."

The West District comprehended Waverly.

The article was referred to a committee of three persons, who reported to the town at the adjourned meeting held April 30th, 1856.

This committee state it to be their unanimous opinion, 1st. "That a new school house should be built. 2d. *That no regard should be had to the wants of Waverly.* That a separate school should be provided for their children as has been done during the past winter."

This report was not accepted by the town.

The next action was at the same meeting, April 30, to appoint another committee of nine persons for the purpose of selecting a suitable lot for a new school house in the West District, and report the same, with the price demanded, to the town at a future meeting, with plan, estimates, and cost of building," &c.

The Committee thus appointed April 30th, reported June 24th, '56, *after the adjournment of the Legislature and the signal defeat of these petitioners first before the Committee on Towns, and then before the House of Representatives.*

In their report the Committee say that they caused "a meeting of the legal voters in the West District, including those in Waverly, to be called, and submitted to them the following questions :

"Shall the new school house be located on Myrtle Street, or in its vicinity, or shall it be located in the vicinity of the corner of Howard Street and Main Street ?"

"And it was answered by a vote of 24 to 4 to recommend to the School House Committee, that the proposed new school house be located on the corner of Main and Howard Streets." \*

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\* Very few, if any, of the Waverly people attended this meeting.



A *majority* of this Committee recommended that the town should instruct the Selectmen to lay out and appraise one of two lots indicated, and they reported plans and estimates.

A *minority* of the Committee reported that, in their opinion, the lot of land at the corner of Howard and Main Streets, was the most suitable location.

The location recommended by the minority was adopted. The school house is erected, and will probably be occupied in July or August.

It has been openly asserted by persons desiring a division of the town, that the interests of education, at least so far as those persons living at a distance from the village are concerned, are neglected, if not altogether disregarded.

The action of the town in the erection of this school house, proves the assertion to be unfounded.

Two committees, altogether twelve persons, had the subject before them three months.

Every person specially interested was invited to signify where he wished the new school house to be located.

Against the recommendation of ten persons out of twelve, on two committees, *the town selected the location which the people desired.*

The school house was intended for the entire West District, including Bemis' factory and Waverly village.

This action of the town certainly does not indicate a desire to neglect the educational interests of those persons who reside at a distance from the village.

#### THE BEACH STREET SCHOOL HOUSE.

This school house is to be located at a place marked A on the map.

1st. An article was inserted in the warrant calling a town meeting for Nov. 4th, 1856, in these words, viz. :

"To see if the town will build a school house to accommodate the north part of the town, grant money for the same, or act thereon."

The request or petition to the Selectmen for the insertion of this article in the warrant, was stated by Mr. Meade with characteristic bias while testifying before the Committee, to have been "*got up by outsiders*," meaning by "*outsiders*" persons residing out of the district to be accommodated, and having no special interest in the school.

The only evidence upon this point besides Mr. Meade's, is that of Mr. Hamlin, who testified, — 1st, That the petition was handed to him by a Waverly man, and was signed by no other persons than inhabitants of Waverly. 2d, That the application to the Selectmen was made pursuant to a predetermined plan on the part of the Waverly people. He said, "At the time the school was stopped in March, '56, the School Committee said they had no authority to continue it. *We determined that they should be instructed to establish the school, and we intended to see if the town would build a house. We considered that to be the fair and legitimate course to take. It had never been taken before.*"

2d. The town meeting was holden Nov. 4th, '56, and a committee was appointed, to whom the article concerning the erection of a school house to accommodate the north part of the town, was referred, with instructions to report in four weeks.

3d. The same warrant contained an article in these words, viz. :

"To see if the town will move the school now located on School street,\* so as better to accommodate the inhabitants in the east part of the town, grant money for the same, or act thereon."

This article was referred to the same Committee with the same instructions to report in four weeks.

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\* Marked on the map F. -

From these facts it is apparent that the Town Committee had before them the whole subject of school accommodations for the entire Belmont part of the town, — all that territory which is colored or shaded on the map.

They were required to locate one new school house, and to alter the location of an old one.

They were invested with full powers to recommend whatever in their judgment was advisable, and were under no obligation to consult any person. But they chose to consult the persons specially interested in the arrangement.

The section to be provided for was extensive, although there were only ninety school children on the greater part of it.

There was, therefore, an obvious necessity for dividing the territory into two portions, one for each school house.

Acting under their full powers, the Committee marked off such a portion of the territory as in their judgment would be accommodated by the new school house, and they notified the inhabitants of that portion which included Wellington Hill, to attend a meeting at Waverly village, to consider the location of the new school house.

The inhabitants on the remainder of the territory had no concern in the location of this new school house; they could be interested only in the location of the old school house. They were accordingly notified to attend another meeting, holden on the same evening, in the East School House (F) to consider that subject.

4th. The inhabitants of the designated territory met at Waverly, to consider the location of the new school house. A Committee of three persons was appointed to select a location. Mr. Meade, one of this Committee, could not agree with the other two upon any spot. The Committee reported accordingly, and were discharged.

5th. The Town Committee reported to the town at the expiration of four weeks, viz., Dec. 2d.

Their report designated no location, but they recommended that a new Committee should be appointed to select a location, and another Committee to build the school house, and that \$2500 be granted for the purpose.

6th. The money was granted, and is now a part of the town debt. A Locating Committee, consisting of three persons from the Belmont District, was appointed, with instructions to report in a week.

7th. The Locating Committee reported Dec. 9th, selecting the lot at the corner of Beach and North Streets, marked on the map A.

8th. At the town meeting held March 9th, '57, an addition of \$1000 was made to the previous grant of \$2500. The deed of the land has been delivered, and the money paid. The estimates for the building are completed and the contract signed.

This history of the origin, progress and final settlement of school accommodations for the inhabitants of Waverly, is a perfect answer to the complaints of the people near Wellington Hill, that they cannot obtain sufficient school facilities.

In 1855, Waverly asks for a temporary school and obtains it.

Wellington Hill was *never asked* for a temporary school, and therefore has not obtained one. Can it be reasonably asserted that the town is indisposed to provide such a school until the request has been made and refused?

In the summer of '56, the town being about to build a large and expensive school house for the West District, asks Waverly to indicate its preference as to the location.

Waverly replies, we do not care where it is located, because it cannot be so located as to accommodate us. Then Waverly asks for a school house for itself, and obtains it.

The town being about to build this school house for Waverly, asks Wellington Hill to signify where it desires the Beach Street school house to be placed. It answers as Waverly did with respect to the Howard Street school house, "We do not care where you locate it, for it cannot be so located as to accommodate us." *But unlike Waverly, Wellington Hill does not ask for a school house, and therefore does not obtain it.*

After all the exertion of the town to provide school facilities, it was stated by Mr. Meade, and insisted upon by the counsel for petitioners that the Beach street school house was established in pursuance of a scheme to make Waverly and Wellington Hill quarrel over the location! This *scheme*, to carry out which an expense of \$3,500 has been incurred by the town, was defeated, according to the petitioners' theory, because Wellington Hill gracefully yielded, and suffered the school house to be placed where it was best for Waverly!!

In the same manner, and with the same spirit, the motives of the town have been misrepresented in every case.

When a small temporary school is established at Waverly, the petitioners exclaim, "That is to influence the Legislature."

When a request is made for an article to be inserted in the warrant concerning a permanent school, the petitioners exclaim, "That was got up by outsiders."

When a committee is appointed to consider where the permanent school shall be located, then the petitioners say, "That is a scheme to make Wellington Hill and Waverly quarrel over the location."

When the money is granted, and the deed made, then they say, "You have not got your school house yet," intending to insinuate that it will not be built.

And finally when the town has done all that it has been asked to do, both as to schools and roads, and manifested by its action, and proved by testimony its willingness and ability to do all that can be expected of it, the petitioners assert, and their counsel reiterate the assertion, "The town has not the ability to give us what we need, and it has not given us what it could!"

By what right is such an assertion made? Upon what facts can it be founded? How can any person say that the town has not given them what they need, when it has given them all they ever asked for?

Who is to move in such matters if the persons most interested do not chose to move in them?

If the real reason why these petitioners are year after year trying to divide the town, be the want of schools, how does it happen that in three years they have never applied to the town for more school accommodations?

It would cost them nothing to make the attempt. It would be more manly, more reputable to found their petition upon some refusal of the town to comply with their requests, even should the refusal be reasonable, than upon the miserable array of fancied "*grievances*," which form the yearly staple of their case.

The truth is they do not want a school. They are afraid to ask for it, because if granted, their only card in this desperate game would be lost.

EAST GRAMMAR and PRIMARY SCHOOLS, marked on the map F.

The action of the Town Committee in reference to the removal of the school house has been explained.

The circumstances show that the action was judicious.

If it were injudicious the mistake was that of the committee and not of the town.

1. The character of these schools.

Mr. Whiting testified to the committee as follows: "The Primary School is the best in the town. The Grammar School is as good as the Centre School, much better than the one in the West. It is better than the average of those in the neighboring towns."

Mr. Isaac Stone said, "My children have made great progress at that school. I have two there now."

## 2. The character and condition of the school house.

Mr. Hittinger quoted with much unction the report of the school committee of 1854-5, but could not remember that the difficulties there enumerated have all been removed. He said that he took his three eldest children away because there was water in the cellar, but did not perceive his inconsistency in allowing his youngest child still to attend the school in the same building notwithstanding the water.

The present condition of the house, and the whole cause of complaint are explained by the testimony of Mr. Crafts, viz :

"The condition of the East School House, as represented in the report for 1854-5, was noticed by the committee of 1855-6 ; and in August of 1855 the house was caused to be better ventilated ; the cellar drained as far as possible at the time ; the rooms new papered and varnished, and sundry other repairs made. The house is now well ventilated though not after the most approved method.

"The water in the cellar was caused by the stoppage of a drain or culvert by the road-side, north and east of the house, near which stands a large willow tree. The roots of this tree had stopped the refuse matter which flowed into the drain, at the outlet or near it ; the water was backed into the cellar through a drain from the school house which communicated therewith.

"Mr. George W. Harrington was called by myself, and under his orders the drain was opened, cleansed, rebuilt, and there has been no serious complaint of water in the cellar since that time.

"There was expended on the East School house in August, 1855, and during that year \$128 40, being more than was expended on all the other school houses in town."

More money was spent to repair the East school house than to repair all the others in town. The smallness of the sum shows how little repair was required.

## 3. The location of this School House.

1st. The house was erected during the existence of what is called the "District system." It was not located by the town, but by the people of the District it was intended to serve. *Mr. Meade himself was one of the committee appointed to locate it.*

2d. Subsequently, within a few years past, a committee of seven persons, all but one residents of the East District, was appointed by the town *specialy* to attend to the school wants of

the District. Two of them, the late Mr. James Brown and Mr. Moses Stone, *residents of the Belmont District*. They were *specially* instructed to report what further accommodations were needed, *and they never reported*.

3d. A meeting of the inhabitants of that District, excluding those in Waverly and near Wellington Hill, was called, in November last, to consider the expediency of removing the school.

They were invited to say to what place it should be moved.

There were fifty persons present; and a majority of them from the Belmont part of the district, according to the testimony of Mr. Isaac Stone, who was there.

The Belmont people could have designated any place they chose.

*They refused to move the School House*, and Mr. Josiah Bright, one of the petitioners for the division, and therefore one of the very persons who complained of the want of school accommodation, made the motion not to move it!

The captiousness of these complaints of the petitioners, is shown by their action in regard to this School House.

They complain of a location made by the assistance of one of their own men, the leader of this war upon the town.

They complain of the want of sufficient school accommodations, when two of their very best men, not long since specially deputed to consider that very subject, declared by their inaction that no such accommodations were required.

They complain that the house had water in the cellar some two years since, but contrive to forget that it was thoroughly repaired eighteen months since.

They had the power to designate any spot on the whole of the Belmont part of the town, to which they desired the house to be moved, and they declared that *they preferred to have it remain where it is!*

These facts are a perfect answer to the paper flourish of Mr. Jonas Chenery.



He covers up with paper all the actually existing school houses, but this East School House.

Then the petitioners triumphantly exclaim, "See how they have put all the school houses into one place! What a large comparative area is left unprovided for! See how the Belmont people are neglected by the town!"

The answer to this exhibition is—

*a.* You were asked if you wanted more schools for this very neglected area, *and two of your own men said "No!"*

*b.* You were asked to what place you would have the East School House moved; you might have moved it to any place you chose, *and you refused to start it!*

*c.* Besides, although your paper flourish does cover *three out of four* school houses now erected, you knew well enough when you made your paper flourish, that the town had appropriated \$2,500 to build a new school house, for this very area which your paper flourish does not come within a mile of reaching.

It will not do for you to resort to the subterfuge of intending to cover only the houses now built. You desired to impress this Committee with the alleged neglect of the town to provide sufficient school room, and you left out a house which you knew would be built within a year.

Such is the history of the action of Watertown in providing public school accommodations.

The petitioners cannot be deemed to have proved any neglect on the part of the town, in this respect. Still less have they succeeded in proving such a neglect as amounts to an exigency calling for a division of the town.

There are according to the testimony of Mr. Crafts, who took an accurate census, only ninety school children in the whole of the Belmont part of the town, requiring *any* school accommodations.

Of these ninety children, seventy-one are registered in the public schools, and actually attend them.

The remaining nineteen do not avail themselves of the means of public instruction.

Does it follow that they are deprived of the opportunity by the neglect of the town?

*Some persons prefer private to public schools.*

Of all the children in that part of the town, 80 per cent. do use the public schools.

The remaining 20 per cent. do not use them, and this is but a small per centage. It is usually the case that more than this proportion prefer to use *private* means of education.

The names of fourteen out of these nineteen children were stated in evidence. On Belmont street, within three-fourths of a mile of the East School House, lives a gentleman whose two children do not use that school.

Within gun-shot lives another gentleman who does not send his one child there.

Within one quarter of a mile, lives Mr. Hittenger, who does not send three of his children there.

These persons are not prevented by distance from using this school. Nor are they prevented by the poor character of the school, for it is the best in town. Nor by the character of the house—for it has been thoroughly repaired, and though not of modern construction, is good enough.

These gentlemen, and undoubtedly other parents of the nineteen, prefer private means of education.

Of the 71 who do use the public schools, 6 go to the High School, 17 go the Waverly school—leaving 48 who attend the East Grammar and Primary Schools.

Do not these facts prove it to be untrue that any child is de-

prived of his schooling because the school accommodations are insufficient?

But concede, *for the sake of the argument only*, that every thing claimed by the petitioners is true regarding these accommodations.

Is the deficiency, even then, sufficient to amount to an *exigency* for the division?

Should not the petitioners prove a *denial of right* before they can be considered as having established their case?

Would even one refusal of a school demanded amount to such denial?

It will be time enough to answer that question when the request has been made and refused.

It will be time enough to say that an exigency for dividing this town has arisen; when persons desiring schools have asked for them and have been refused;

When the town has manifested a *disinclination to do its duty* instead of the most liberal and anxious desire to perform it;

When a committee is satisfied, which this committee cannot be, upon any evidence produced to them; that the children of the Belmont part of the town suffer from a neglect which the town is unable and unwilling, and determined not to repair.

Upon this part of the case it clearly appears,

That no more school accommodations are really needed by the Belmont portion of Watertown. This position is abundantly supported by the fact that *never during the three years in* which the petition has been pending, have the Wellington Hill people asked the town to provide them.

If it be true that more such accommodations are required, the town is perfectly willing and ready to provide them. This is proved by the action of the town in providing additional facilities for Waverly as soon as they were requested. If Wellington

Hill had taken the same course, who shall venture to assert that they also would not have succeeded ?

In no case can the *mere want* of proper school accommodations form an element of an exigency for the division of a town, till that want be proved to exist, by the inability or refusal of the town to provide them after proper application. A position which cannot be maintained by any action of Watertown.

4th. The last in this catalogue of "*grievances*," is

An alleged depreciation in the value of real estate, as a consequence of the other "*grievances*."

This depreciation is alleged to have been caused by the want of schools and roads. It is said to be *absolute* and *relative*.

That is to say : Real estate in the Belmont part of Watertown, is worth less now than when it was purchased some years ago.

Real estate in the other localities has risen in value, while that in this locality has remained stationary at the best.

Only two witnesses for the petitioners, Mr. Meade and Mr. Hittinger, testified on this point.

Like all the other testimony of the petitioners, it was very general, and amounted to nothing more than opinion.

As rendered it is capable of being applied to every foot of land in the whole Belmont part of Watertown.

Such testimony, it will be seen, by recurring to the map, cannot be true of the whole territory which is about equally divided by the line of Washington Street, from which it slopes both north towards the Concord turnpike, and south towards Belmont Street.

All the land to which any such testimony can be applicable, must lie north of Washington Street. No land in any other part of that district has been offered for sale or is in the market.

The only evidence as to absolute depreciation was that of Mr.

Meade, who testified that *three or four years since* he bought thirteen acres of land for \$300 per acre, and that he cannot get so much for it now, because there are no schools near it, *and no railroad accommodations.*

This testimony does not prove that Mr. Meade's land has fallen in value, for he did not say that he had tried to sell it, or that it was in the market, nor did he attempt to show how much it is now worth.

But if it be true that this land has actually fallen in value, of the *two* co-operating causes assigned by Mr. Meade, it is clear that the want of schools can have had no such effect, because there were *no schools there when he bought the land!*

The action of the Fitchburg railroad is the evident cause producing such a fall in value, if it has really taken place, 1st, In the general disregard manifested by the corporation of the requirements of near travel; 2d, In discontinuing the early and late trains; 3d, In extravagant increase of fares.

Dr. Estes Howe's testimony is conclusive as to the fact and its causes.

He testified as follows: "*I am not informed that land has depreciated. There is much less accommodation than when Waverly was laid out. It was laid out with a view to build a village like those on railroads. Soon after it was laid out, the railroad cut down the facilities and gave less accommodation, from a mistaken notion as to the necessity of accommodating near travel.*"

"*There are too many in the market.*" That is to say, fine building locations near Boston are too plentiful. The supply exceeds the demand, and therefore real estate has fallen in *price*, though not in *value*.

Real estate has fallen in other parts of the town. Mr. Seth Bemis testified, "That about seven or eight acres on the Fitchburg railroad, for which \$500 had been offered, were sold about two years since for \$250 per acre. Last year a sale of land on

the same road was made for \$100, which had been held at double that price."

Here is a fall from building to farming prices, the cause being, according to the same witness, the action of the railroad in "refusing to stop trains ; giving less accommodation ; raising fares ; taking off trains, and the management of the road generally."

The evidence as to *relative depreciation* is just as loose as that respecting absolute depreciation. There were but three facts stated from which any such inference could be drawn. The whole opinion was evidently mere guess work.

Mr. Hittinger testified that he offered two carpenters a lot of land in fee, with business enough to support them, if they would build a house on the land and live in it. They refused the offer because there were no schools and no conveniences there !

It did not appear that either of these men could afford to build a house. *They had but one child between them.* The lot of land was in a marshy place, near Fresh Pond, where there is no road, and no need of any.

A friend of Mr. Hittinger's bought a lot of land, but would not complete the purchase, because *there were no schools and no church.*

Another gentleman would not purchase the Richardson place, because it did not seem to be anywhere — no village, no church, no school — nothing.

The same witness further stated that he had asked many persons to come there, and all refused, for those reasons, but *not one such person was produced by the petitioners.*

The case on this point may be summed up thus :

1st. It is not proved that real estate in the Belmont part of Watertown was depreciated, either absolutely or relatively.

2d. If it is proved, the cause lies solely in the reckless action of the Fitchburg railroad.

3d. It is not proved that to incorporate this new town will raise the value of real estate there.

4th. If it is proved, such an object forms no element of an exigency for division.

5th. If the need of one or even two schools, causes their real estate to fall in value, such energetic, shrewd, intelligent and determined men as Mr. Meade, Mr. Hittinger, and others of these petitioners, would *at least, have long since requested the town to build them.* They would rather have built such houses out of their own abundant means, than submitted to their alleged enormous loss for want of them.

6th. A small part of the energy which they have wasted in attempting for three years to procure a division of the town, expended in the right direction, would have procured them as many school houses as they needed.

Finally, it is apparent upon the whole case, that no single one of the alleged grievances, nor the combination of them all, amounts to an exigency requiring the incorporation of a new town.

The people of the Belmont portion of Watertown have had all their reasonable wants freely and fully supplied.

By their *own admission* the roads are in good order.

The town has shown an earnest and anxious desire, and is now and has at all times been ready, willing and able to afford all proper school accommodations, if they are not already possessed by that portion of the town.

They have had more than double their share of town offices in twelve years.

The remedy for any supposed grievance is in their own hands.

The distances which they have to travel are perfectly considerable.

The Belmont part of Watertown *must forever remain an outskirt*. Now it is the outskirt of Watertown ; if the new town be incorporated, it will forthwith become *the outskirt of Belmont*.

Now it is the outskirt of a town *which maintains a High School*. Then it will be the outskirt of a town which will not have such a school, and will not be obliged to maintain one.

There is not a village nor a business centre, nor a cluster of houses, nor anything which approximates to a settlement ; nor a shop where mechanics work, nor anything deserving to be called a store, on the whole of the Belmont part of Watertown.

And finally, if this speculation shall succeed, the agricultural character of Watertown will be destroyed, and the town receive an injury which it will require more than ten years to repair.



# APPENDIX.

## A TABLE

SHOWING THE 25 HIGHEST TAX-PAYERS IN WATERTOWN, AND WHERE LOCATED.

	NAME.	Value of Real Estate.	Value of Per'l Estate.	Tax on Real Estate.	Tax on Per'l Estate.	Total.	LOCATION.
1	Austin James T.....		\$30,000		\$180 00	\$180 00	Watertown.
2	Bemis Seth.....	\$16,000	6,000	\$96 00	36 00	132 00	"
3	Bemis Charles.....	12,500	10,000	75 00	60 00	135 00	"
4	Bigelow Tyler.....	22,000	15,000	132 00	90 00	222 00	"
5	Brown James (Estate)	17,400	14,000	104 40	84 00	188 40	Belmont.
6	Coolidge John.....	27,500	2,500	165 00	15 00	180 00	Watertown.
7	Cushing John P.....	80,000	420,000	480 00	2,520 00	3,000 00	Belmont.
8	Chenery Winthrop...	16,300	10,000	97 80	60 00	157 80	"
9	Davenport Charles...	18,000	4,000	108 00	24 00	132 00	Watertown.
10	Hurd Susan.....	26,500	7,000	159 00	42 00	201 00	Belmont.
11	Hittinger Jacob.....	33,500	11,000	201 00	66 00	267 00	"
12	Hathaway John.....	5,000	40,000	30 00	240 00	270 00	Watertown.
13	Mead Samuel O.....	21,000	8,000	126 00	48 00	174 00	Belmont.
14	Pratt Mary.....	37,000	2,500	222 00	15 00	237 00	Watertown.
15	Stone Leonard.....	27,000	20,000	162 00	120 00	282 00	Belmont.
16	Stearns Simon.....	10,000	23,000	60 00	138 00	198 00	Watertown.
17	Stickney Josiah.....	25,000	55,000	150 00	330 00	480 00	"
18	Thaxter Levi.....	14,100	18,000	84 60	108 00	192 60	"
19	Templeton John.....	13,000	20,000	78 00	120 00	198 00	"
20	Whiting Nath. R.....	17,400	50,000	104 40	300 00	404 40	"
21	Winchester Estate ...	40,000	125,000	240 00	750 00	990 00	"
22	Winchester Eliza G...		25,000		150 00	150 00	"
23	Waverly Company...	32,000		192 00		192 00	Belmont.
24	{ W. D. Sohler & al. } { Trust of Bradlee Est. }		200,000		1,200 00	1,200 00	Watertown.
25	Wason William.....	4,500	25,000	27 00	150 00	177 00	"

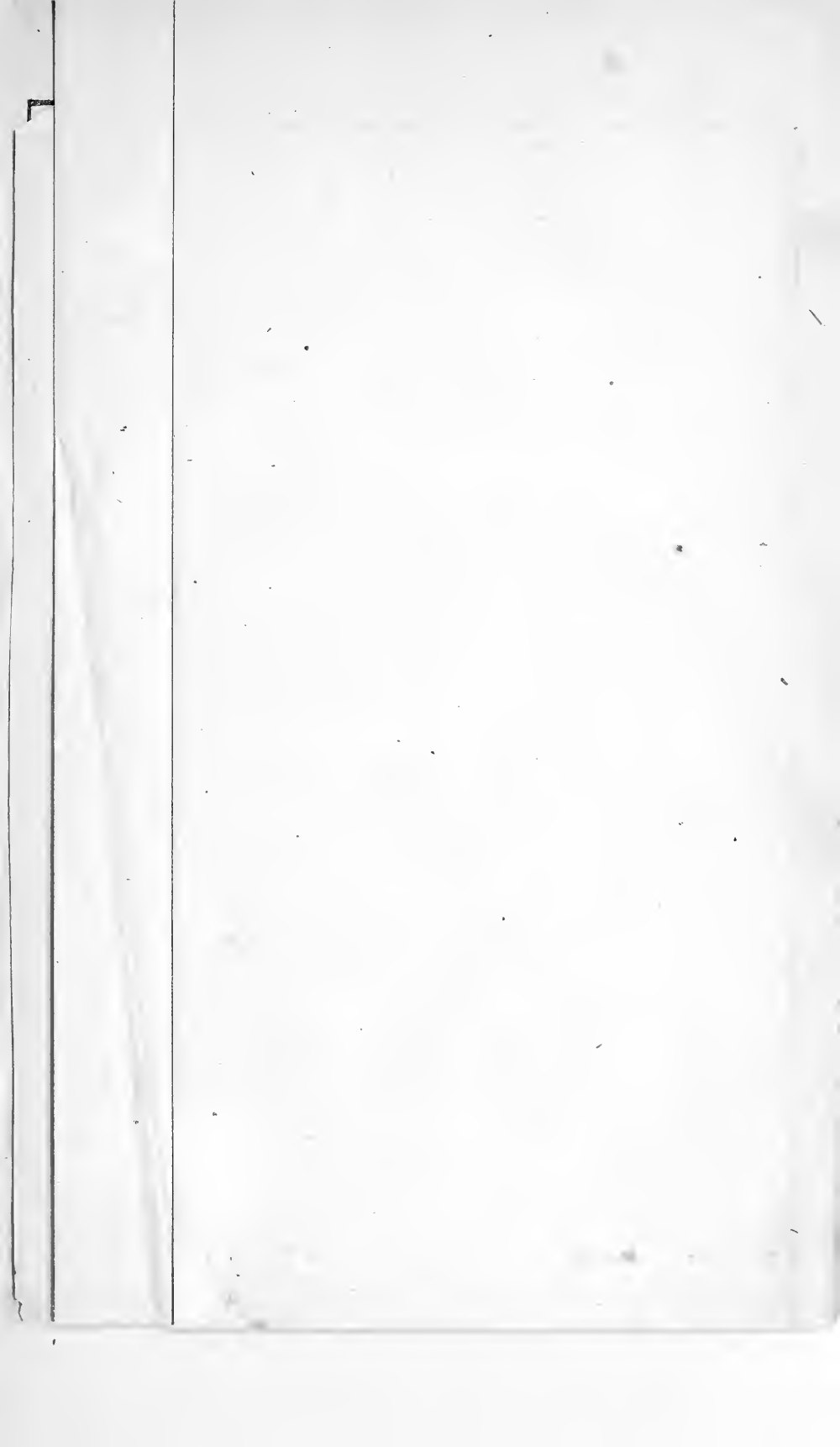
WATERTOWN, FEB. 23, 1857.

I certify that the within is a true copy from the Assessors' books.

(Signed.)

SAMUEL NOYES,  
Town Treasurer.







# PLAN OF WATER TOWN.

## THE COLORED PORTION

Showing the part proposed to be taken  
from it for the Town of

# ELEMENT.



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